FILED

AUG 10 2017

Clerk, U S District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,	CR-17-12-M-DLC
Plaintiff,	FINDINGS AND RECOMMENDATION CONCERNING PLEA
vs.	
DARCY LEE SEGAL,	
Defendant.	

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 (Count 9) and one count of aggravated identify theft in violation of 18 U.S.C. § 1028A(a)(1) (Count 19), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count 1 of the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,

2. That the Defendant is aware of the nature of the charge against her and

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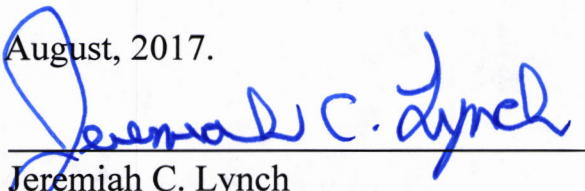consequences of pleading guilty to the charge,

3. That the Defendant fully understands her constitutional rights, and the extent to which she is waiving those rights by pleading guilty, and

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that she fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts 9 and 19 of the Indictment, and that sentence be imposed. I further recommend that Count 1 of the Indictment be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 10th day of August, 2017.

Jeremiah C. Lynch
United States Magistrate Judge

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